

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

METFAB, INC., §
§
Plaintiff, §
§
v. § CIVIL ACTION NO. H-05-2506
§
SHEET METAL WORKERS' §
INTERNATIONAL ASSOC., *et al.* §
§
Defendants. §

ORDER

Plaintiff moves for an award of attorney's fees for improper removal under 28 U.S.C. 1447(c). Under the standard clarified in *Martin v. Franklin Capital Corp.*, 2005 WL 3299410 (U.S.), this court finds that although it is a close question, defendant did not lack an objectively reasonable basis for seeking removal. Accordingly, the motion for the award of fees is denied.

SIGNED on December 28, 2005, at Houston, Texas.



Lee H. Rosenthal
United States District Judge